

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Harbaugh

Application No.: 09/826690

Examiner: Smith, Traci

Date Filed: April 5, 2001

Group: 3629

For: METHOD FOR ADMITTING AN ADMISSIONS APPLICANT INTO AN
ACADEMIC INSTITUTIONAFFIDAVIT OF PHILIP D. SHELTON

I, Philip D. Shelton, being duly sworn, hereby declare:

1. I am the President and Executive Director of the Law School Admission Council (LSAC), the organization that produces and administers the Law School Admissions Test (LSAT).

2. I have substantial expertise in the field of standardized admissions testing and particular expertise with the dominant U.S. law school admissions test, the LSAT.

3. The LSAT is the best standardized admission test in the admissions testing industry. That means it correlates with academic performance in law school more highly than any other test correlates to performance in the academic disciplines the test is designed to forecast. However, the correlation coefficient between LSAT scores and law school grades ranges from 0.4 - 0.5. A perfect correlation is shown by a correlation coefficient of 1.0.

4. All standardized tests have limitations, including measurement error. The effect of measurement error and a correlation coefficient that is strong within the industry, means that the LSAT is a useful tool to assess a student's ability, but certainly not definitive. In fact, a better way to look at a particular score is to see it as the mid-point (the median) on a bell curve of 100 students achieving that particular score. The bell curve's horizontal axis represents the range of LSAT scores (from 120-180) and the vertical axis represents how many of the aforementioned 100 test takers will exhibit equivalent law school performance to test takers that achieved the score indicated by the horizontal axis. The bell curve tells us that out of 100 persons with a

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particular score, a predictable number will perform better than persons at much higher scores. However, nothing about the test permits us to determine where an individual will fall on this bell curve. The LSAC has conducted extensive research over many years, however, no single variable or combination of variables has been identified that allows a law school admission office to consistently identify "diamonds in the rough."

5. The importance of the methods claimed in U.S. Patent Application No. 09/826,690, and used in the software product AAMPLE® is best understood in light of the history of law school admissions since the 1960s. In the late 1960's/early 1970's, the number of applicants to law school exploded and nearly all law schools began to deny admission to qualified candidates and that has remained the case ever since. At present, an applicant's LSAT score is of critical importance in determining whether to admit an applicant and bears a greater weight than is justified by its predictive power.

6. Prior to use of the claimed methods the weight that law school admissions offices gave to the LSAT meant that students with low LSAT scores would not be offered admission to any law school. Thus, although it was recognized that some of these students would outperform their higher scoring peers, the admissions community had not identified a method of identifying these students. The AAMPLE® program incorporating the claimed methods provides just such a method. AAMPLE® provides students, having LSAT scores in the 130-145 range, who are unlikely to be admitted to any law school an opportunity to demonstrate that they are one of those students at the upper end of the LSAT bell curve. The claimed methods are more effective at identifying students with a lower LSAT score who perform at the high end of the bell curve more effectively than any other admissions method of which I am aware. In short, the AAMPLE® program incorporating the claimed methods presents a method that has proven successful for identifying "diamonds in the rough" who will perform well at law school despite a relatively low LSAT score.

7. One of the services LSAC provides schools and candidates is called the Candidate Referral Service (CRS). This service allows schools to search for applicants using a wide range of criteria. The criteria include: LSAT score, undergraduate grade point average, geographic

area (down to zip code), race/ethnicity, gender, age, citizenship, military service, and a number of other variables. Law schools run thousands of searches using the CRS database each year. Nova Southeastern Law School exploits this technology to identify AAMPLE® candidates, including many who did not apply to Nova Southeastern. Nova Southeastern identifies AAMPLE® candidates by using the CRS database to search for persons with low LSAT scores who are unlikely to get admitted to any law school. I am unaware of any other law school or other academic institution that conducts a search for students with LSAT scores below "admissible" levels, particularly students who did not initially apply to the academic institution.

8. Without today's advanced technology and superior, customized programming by LSAC staff, these searches would not be possible.

9. I have no financial interest in the Harbaugh Parent Application (Application No. 09/826,690) or any related applications. I am not being paid for my services pertaining to the subject matter of this declaration.

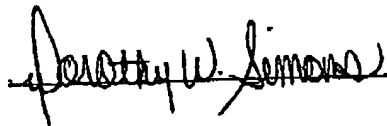


Philip D. Shelton

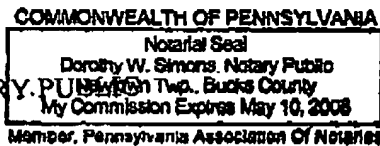
Commonwealth of Pennsylvania
County of Bucks

I HEREBY CERTIFY that in this day, before me, an officer duly authorized to administer oaths, personally appeared Philip D. Shelton, who X is personally known to me or has produced a driver's license as identification, was duly sworn to tell the truth, and having done so, says that the foregoing statements are true and correct.

IN WITNESS WHEREOF I set my signature and official seal this 24th day of August 2005.



NOTARY PUBLIC



DOROTHY W. SIMONS Print Name